

AS

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 97-294-E - ORDER NO. 97-825

SEPTEMBER 24, 1997

✓ MR

IN RE: Request of South Carolina Electric &) ORDER
Gas Company for Approval of a Contract) GRANTING
for Electric Service between the Company) RECONSIDERATION
and SMI Steel.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Rehearing and/or Reconsideration (the Petition) of our Order No. 97-696 filed by South Carolina Electric & Gas Company (SCE&G or the Company).

Our Order No. 97-696 held, inter alia, that SCE&G had not met its burden of showing why the contract in question, a contract with SMI Steel, should not be a public record, and, therefore, the contract would not be afforded confidential treatment.

SCE&G states in its Petition that the confidential protection of the contract was requested, due to the commercial sensitivity and proprietary nature of the provisions of the contract. Also, SCE&G notes that under the terms of Order No. 97-696, providers of electric services and their customers will be concerned with their ability to contract confidentially upon terms and conditions acceptable to both parties, and approved by the Commission, and that a competitive market will heighten the

sensitivity of the terms and conditions of such contracts.

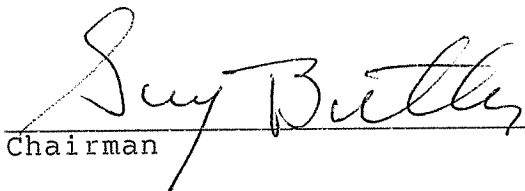
Further, SMI Steel apparently supports SCE&G's position in this matter. SCE&G also points out that under our Regulation 103-804, the term "Public Records" does not include "any information specifically exempted by statute or Commission Order." SCE&G further asserts that there is no particular "burden of proof" required by any statute or regulation of the Commission for exemption from the definition of a "Public Record," and that such exemption is within our discretion. For this and other reasons, SCE&G has requested that we reconsider our decision and issue a new Order approving the contract and affording the contract the requested confidential treatment.

We have examined this matter carefully, and we hereby grant reconsideration. We again approve the contract in question, but we also grant the confidentiality requested by SCE&G. We agree that, at least in the present case, the contract contains provisions which are commercially sensitive and are of a proprietary nature. We also agree that, under Regulation 103-804, it is within this Commission's discretion whether or not a Company's document may be removed from the definition of a "Public Record." We believe that, in this case, upon reconsideration, it is appropriate to do so. The contract is therefore approved, and the contract shall be accorded confidential treatment.

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This Order shall remain in full force and effect until
further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director
(SEAL)